MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Bernard J. Sadusky, Ed.D.
Interim State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

TO: Members of the Maryland State Board of Education

FROM: Bernard J. Sadusky, Ed.D.

DATE: April 24, 2012

SUBJECT: COMAR 13A.01.05.02 (AMEND)
Appeal Contents (Appeals to the State Board of Education)
ADOPTION

PURPOSE:

The purpose of this action is to seek adoption of COMAR 13A.01.05.02, **Appeal Contents, (ATTACHMENT I).**

BACKGROUND/HISTORICAL PERSPECTIVE:

COMAR 13A.01.05.02 is one of the procedural regulations governing appeals to the State Board of Education. The regulation provides a 30 day time frame within which an appellant may take an appeal of a local board decision to the State Board. COMAR 13A.01.05.02B(1). An appeal is deemed transmitted within the 30 day time period if it has been deposited in the United States mail, as registered or certified mail, or delivered to the State Board before the expiration of the time period. COMAR 13A.01.05.02B(3). Thus, for appeals transmitted by registered or certified mail, the State Board has consistently considered the postmark date to be the transmission (filing) date. For all other methods of transmitting an appeal, the State Board has consistently considered the date the appeal is delivered to the State Board to be the transmission date.

Members of the State Board of Education have expressed concerns regarding the regulation's limitation to depositing the appeal in the United States mail as registered or certified given that there are other reliable means of transmitting an appeal that allow verification of the deposit date.

EXECUTIVE SUMMARY:

The proposed amendment adds an additional mode of mailing (Express Mail) as a means of transmitting an appeal to the State Board. Express mail may be tracked from the point the item is accepted for mailing by the United States Postal Service. The proposed amendment also adds as acceptable modes of transmission delivery services that provide verifiable tracking of the item from the point of the item's entry into the delivery system, such as Fed Ex, UPS, and DHL. This will allow the State Board to use the postmark or send date as the date the appeal is "taken" for appeals transmitted in one of the designated manners.

The proposed amendment was published in the Maryland Register on January 27, 2012. No comments were received during the comment period.

ACTION:

I recommend that State Board adoption of COMAR 13A.01.05.02, Appeal Contents.

Attachment

(8) The alternate 3-Hour ADEP provider may not allow a participant to retake the end of program test on the same day the test is failed.

(9) The alternate format provider for 3-Hour ADEP shall have a help desk that participants can contact by phone, email, or facsimile if they are having a problem with the provider's electronic site or have questions regarding the programs. An Administration approved instructor shall respond to the participant for curriculum related issues by phone, email, or facsimile within 24 hours of being contacted by the participant.

(10) The provider's help desk service shall be available between the hours of noon and midnight, 7 days a week, 365 days a year, excluding Maryland State holidays as defined in State Personnel and Pensions Article, §9-201, Annotated Code of Maryland. If the 24-hour deadline occurs on a State holiday, the provider's deadline for response is extended another 24 hours. This information shall be provided to individuals before enrollment.

(11) The provider's program site shall be visually stimulating and interactive with enhancements such as simulations, sample assessment questions, and multimedia experiences. The provider's program site may not contain scanned snapshots of the Administration's approved curriculum. The provider's program site shall have clear images and a user-friendly layout.

.05 Fees.

A. Application Fee.

(1) (text unchanged)

(2) The application fee shall be submitted with each [PSC,] DIP[,] and 3-Hour ADEP application.

(3) Application fees submitted to the Administration under this regulation are nonrefundable and are only applicable to [PSC,] DIP[,] and 3-Hour ADEP.

B. Fees Charged by Providers.

(1) Program providers may establish and collect a reasonable fee for providing [PSC,] DIP[,] and 3-Hour ADEP.

(2) — (4) (text unchanged)

.06 Instructor Requirements.

A. An individual applying for approval to be a [PSC and] DIP instructor shall:

(1) — (4) (text unchanged)

(5) Successfully complete, as of March 2008, an Administration approved [PSC and] DIP instructor certification course *for DIP instructors or the required instructor training set forth in §B of this regulation for 3-Hours ADEP*;

(6) — (7) (text unchanged)

B. 3-Hour Alcohol and Drug Education Program Instructors.

(1) In addition to the requirements set forth in §A of this regulation, a 3-Hour ADEP instructor shall:

[(1)] *(a)* Complete a course on the effects of alcohol and drugs, or an equivalent course as specified by the Office of Education and Training for Addictions Services, Department of Health and Mental Hygiene; [or]

[(2)] *(b)* Be approved by the Alcohol and Drug Abuse Administration to instruct an alcohol and drug education program[.]*; or*

(c) Complete the 3-Hour Alcohol and Drug Education instructor program approved by both the Administration and the Alcohol and Drug Abuse Administration.

(2) The Administration may waive all or part of the required instructor training for persons certified by the Maryland State Board of Education as teachers.

C. An individual approved by the Administration to teach [PSC and] DIP before March 2008 is not required to complete the [PSC and] DIP instructor certification course if the individual:

(1) Is currently approved by the Administration as a [PSC and] DIP instructor; and

(2) Has taught at least one [PSC and] DIP course each year for the last 3 consecutive years.

D. Instructor's Driver Records.

(1) An instructor of a program under this chapter shall maintain a satisfactory driving record while approved to teach the [PSC,] DIP[,] and 3-Hour ADEP.

(2) [The] *An* Administration approved provider for the [PSC,] DIP[,] and 3-Hour ADEP is responsible for:

(a) — (b) (text unchanged)

(c) Not scheduling an instructor with an unsatisfactory driving record to teach [PSC,] DIP[,] or 3-Hour ADEP; and

(d) (text unchanged)

(3) The instructor's driving record is unsatisfactory when the instructor has:

(a) — (c) (text unchanged)

(d) Had their driving privileges canceled, suspended, revoked, or subject to alcohol, ignition interlock, [or] work-only, or education-only restrictions.

.07 Approval Periods for Providers and Instructors.

A. — D. (text unchanged)

E. To maintain approval as a [PSC or] DIP *or 3-Hour ADEP* instructor, an individual shall teach at least two [PSC or] DIP programs each year.

JOHN T. KUO
Administrator
Motor Vehicle Administration

Title 13A
STATE BOARD OF EDUCATION

Subtitle 01 STATE SCHOOL ADMINISTRATION

13A.01.05 Appeals to the State Board of Education

Authority: Education Article, §§2-205, 4-205, 6-202, 7-305, and 23-406; State Government Article, §§10-122 and 10-201 et seq.; Annotated Code of Maryland

Notice of Proposed Action

[12-025-P]

The Maryland State Board of Education proposes to amend Regulation .02 under **COMAR 13A.01.05 Appeals to the State Board of Education.** This action was considered at the Maryland State Board of Education meeting on December 6, 2011.

Statement of Purpose

The purpose of this action is to add additional modes of mailing an appeal to the Maryland State Board of Education so as to be considered timely.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact
The proposed action has no economic impact.

Economic Impact on Small Businesses
The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities
The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment
Comments may be sent to Jacqueline La Fiandra, Assistant Attorney General, Office of the Attorney General, 200 St. Paul Place, 19th Floor, Baltimore, MD 21201, or call 410-576-6465, or email to jlafiandra@oag.state.md.us, or fax to 410-576-6309. Comments will be accepted through February 27, 2012. A public hearing has not been scheduled.

Open Meeting
Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on March 27—28, 2012, at 200 West Baltimore Street, Baltimore, MD 21201.

.02 Appeal Contents.
A. (text unchanged)
B. Deadlines.
(1) — (2) (text unchanged)
(3) [An] *For appeals taken on or after April 1, 2011, an* appeal shall be deemed to have been transmitted within the 30-day period of time permitted under §B(1) of this regulation if, before the expiration of the time, it has been:
(a) (text unchanged)
(b) Deposited in the United States mail, as registered or certified mail[.] *or Express Mail, or deposited with a delivery service, such as Fed Ex, UPS, or DHL, that provides verifiable tracking of the item from the point of origin.*
(4) — (5) (text unchanged)
C. — D. (text unchanged)

BERNARD J. SADUSKY, Ed.D.
Interim State Superintendent of Schools

Subtitle 12 CERTIFICATION

13A.12.02 Teachers

Authority: Education Article, §§2-205, 2-303(g), and 6-701—6-705, Annotated Code of Maryland

Notice of Proposed Action
[12-026-P]

The Professional Standards and Teacher Education Board proposes to amend Regulations **.06, .15,** and **.17,** repeal Regulations **.07, .08, .09, .10, .11,** and **.14;** and adopt new Regulation **.28** under **COMAR 13A.12.02 Teachers.** This action was considered at the Professional Standards and Teacher Education Board meeting on November 3, 2011.

Statement of Purpose
The purpose of this action is to recommend the repeal of specific teacher certification areas, to recommend amendments to specific teacher certification areas, and to propose a new regulation for teacher certification.

Comparison to Federal Standards
There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact
The proposed action has no economic impact.

Economic Impact on Small Businesses
The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities
The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment
Comments may be sent to Jean Satterfield, Assistant State Superintendent, Certification and Accreditation, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0385, or email to jsatterfield@msde.state.md.us, or fax to 410-333-8963. Comments will be accepted through February 27, 2012. A public hearing has not been scheduled.

Open Meeting
Final action on the proposal will be considered by the Professional Standards and Teacher Education Board during a public meeting to be held on April 5, 2012, 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

.06 Certification in General Secondary [Academic] *Content* Areas (Grades 7—12).
A. To receive certification in the areas of agriculture (agribusiness and renewable natural resources), biology, business education, chemistry, computer science, earth/space science, English, [foreign language—classical, foreign language—modern,] *environmental science, family and consumer sciences,* geography, history, *marketing,* mathematics, physical science, physics, speech communication, *technology education,* and theater, the applicant shall:
(1)—(3) (text unchanged)
B.—C. (text unchanged)

.15 [Trades and Industry] *Professional and Technical Education* (Grades 7—12).
A. To receive certification in [trades and industry] *professional and technical education* (grades 7—12), the applicant shall complete one of the following options:
(1) Option I:
[(a)] An applicant shall earn a bachelor's or higher degree in a state-approved [vocational education] *career and technical* program from an IHE[,]. [and provide official verification of 2 years of previous satisfactory occupational experience in the trade to be taught;
(b) The occupational experience in §A(1)(a) of this regulation shall:
(i) Be within 10 years of the issuance of the certificate; and
(ii) Include 1 year full-time employment;
(c) A graduate of a career and technology education program in the practice of the trade to be taught, with a minimum 3.0 grade point average in course work related to the trade to be taught, shall earn credit for 6 months occupational experience under §A(1)(a) of this regulation;]
(2) Option II:
(a) An applicant shall have a bachelor's or higher degree in [industrial arts/technology education, industrial technology, or in the trade] *the career area* to be taught from an IHE[,]; and [provide official verification of 2 years of previous satisfactory occupational experience in the trade to be taught;